

**REMARKS**

Claims 1-21 remain pending in the present application.

In the Restriction Requirement, the Examiner required Applicants to elect one of a first species, corresponding to paragraphs [0070] to [0131] of U.S. Patent Application Publication No. 2004/0257940, and a second species, corresponding to paragraphs [0132] to [0141] of U.S. Patent Application Publication No. 2004/0257940, for examination. In the Restriction Requirement, the Examiner indicated that claims 1 and 19 are generic.

Applicants have elected the second identified species, corresponding to paragraphs [0132] to [0141] of U.S. Patent Application Publication No. 2004/0257940. Applicants respectfully submit that claims 1-3, 5-13 and 16-21 read on the second identified species. The election is made with traverse for at least the following reasons.

Section 803 of the M.P.E.P. provides that a restriction requirement is proper only if there would be a serious burden on the Examiner to examine all of the claims. Applicants respectfully submit that there would not be a serious burden on the Examiner to examine all of the claims of the present invention.

In the Restriction Requirement, the Examiner asserted that the second species is independent or distinct from the first species because it does not require the turning off of a laser, as is required by the first species. However, Applicants respectfully submit that there would not be a serious burden on the Examiner to consider the merits of this feature of the disclosed invention.


For at least this reason, Applicants respectfully submit that the Restriction Requirement is improper, and request that the Examiner withdraw the requirement.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse, the second identified species, corresponding to paragraphs [0132] to [0141] of

U.S. Patent Application Publication No. 2004/0257940, and comprising claims 1-3, 5-13 and 16-21, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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